

REMARKS

Claims 1-6 and 9-19 are pending in the application. Claims 7 and 8 have been canceled.  
New claim 19 has been added.

Claim Objections

Claims 10, 12, and 14 have been objected to because of some informalities.

Claims 10 and 14 have been amended, as suggested by the Examiner, to overcome this objection.

Rather than amending claim 12 as suggested by the Examiner, this claim has been amended to claim --such that a center axis of the diffuser tube and a center axis of the inflator housing coincide or are parallel to each other-- to overcome this objection.

The Examiner is respectfully requested to reconsider and withdraw this objection.

Claim Rejections - 35 U.S.C. § 112

Claims 1-9 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regard as the invention.

With regard to claim 1, the “and the axial direction of the igniter does not exactly oppose a surface of the rupturable plate” limitation has been deleted to overcome this rejection.

With regard to claim 2, the “and the axial direction of the igniter does not exactly oppose a surface of the rupturable plate” limitation has been deleted to overcome this rejection.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections - 35 U.S.C. § 102

(a) Claims 1, 5, 6, 9, and 14/1 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Nanbu et al. (USP 6,676,152). This rejection is respectfully traversed.

Claim 1

Nanbu discloses, in Fig. 4, a gas generator having a container 10, for storing gas, provided with a gas outlet 14. The outlet 14 is covered by a burst shim 16. An initiator 300 is attached to the container 10. The container 10 further includes an L-shaped duct 340 extending between the initiator 300 and the burst shim 16. The end portion of the duct 340 that faces the burst shim 16 is closed by a sealing plate 36.

In Nanbu, however, the initiator 300 is not “covered by a cup” as required in claim 1. Even assuming that the initiator 300 is covered by an element that corresponds to the “cup” of the claimed invention of the present application, which Applicants do not admit, Nanbu fails to disclose or suggest that the peripheral surface of the cup is provided with “a fragile portion: that opposes the rupturable plate.

Claims 9 and 14, dependent on claim 1, are allowable at least for their dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim 5

In the Office Action, the Examiner alleges that Nanbu discloses a guiding passage for guiding the rupturing energy discharged from the igniter (300) to the rupturable plate (16).

Applicants assume that the Examiner is referring to the L-shaped duct 340 as an element corresponding to the “guiding passage” of the claimed invention.

In Nanbu, however, the L-shaped duct 340 is provided in the container 10 (corresponds to the “inflator housing” of the claimed invention) and is not “disposed diffuser portion” 40 as required in claim 5.

(b) Claims 10-13 and 15 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Horton. (USP 6,629,703). This rejection is respectfully traversed.

In the Office Action, the Examiner alleges that elements 30 and 31 (i.e., the axial flow intermediate member and the axial flow coupler) of Horton correspond to the “diffuser portion” of the claimed invention. Based on the Examiner’s allegation, an inner surface of the axial flow coupler 31 (which forms a part of the “diffuser portion” of the claimed invention) is projected more inwardly into the gas discharge passage than a portion where an igniter is supported to the axial flow coupler 31.

In contrast, the claimed invention of the present invention requires that “the igniter supporting portion projects inwardly into the gas discharge passage more than an inner surface of the diffuser portion.”

Therefore, Horton fails to disclose or suggest the “igniter supporting portion” as recited in claim 10.

Claims 11-13, and 15, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

Claims 11-13, and 15, variously dependent on claim 10, are allowable at least for their dependency on claim 10.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Claim Rejections - 35 U.S.C. § 103

(a) Claims 2, 4, 7, and 8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nanbu in view of Swann et al. (USP 6,295,935). This rejection is respectfully traversed.

Claims 2 and 4, variously dependent on claim 1, are allowable at least for their dependency on claim 1.

Claims 7 and 8 have been canceled.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(b) Claim 3 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Nanbu in view of Frey et al. (USP 5,263,740). This rejection is respectfully traversed.

Claim 3, dependent on claim 1, is allowable at least for its dependency on claim 1.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(c) Claim 14/10 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horton in view of Nanbu. This rejection is respectfully traversed.

Claim 14, indirectly dependent on claim 10, is allowable at least for its dependency on claim 10.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(d) Claim 16 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horton in view of Nanbu. This rejection is respectfully traversed.

In the claimed invention of the present invention, a deforming member is “provided between the igniter and the rupturable plate, such that the deforming member is prevented from making a direct contact with the rupturable plate prior to activation of the inflator, and is deformed by the combustion product to cause the rupturable plate to rupture by a deformation thereof.”

In contrast, Horton fails to disclose or suggest a member that corresponds to the “deforming member.”

Nanbu discloses, Fig. 4, a sealing plate 36 (arguably corresponds to the “deforming member” of the claimed invention) in contact with the burst shim 16 prior to activation of the inflator. Therefore, in Nanbu, the sealing plate 36 is not “prevented from making a direct contact with the rupturable plate prior to activation of the inflator.”

Therefore, Horton and Nanbu, taken singly or in combination, fail to disclose or suggest the “deforming member” as recited in claim 16.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

(e) Claims 17 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Horton in view of Nanbu, and further in view of Swann. This rejection is respectfully traversed.

Claims 17 and 18, variously dependent on claim 16, are allowable at least for their dependency on claim 16.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

#### New Claim

New claim 19, dependent on claim 16, is allowable at least for its dependency on claim 16.

A favorable determination by the Examiner and allowance of claim 19 is earnestly solicited.

#### Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and allowance of the pending claims in the present application are respectfully requested.

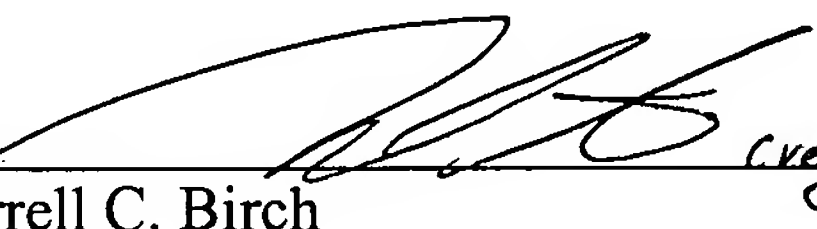
The Examiner is respectfully requested to enter this Reply After Final in that it raises no new issues. Alternatively, the Examiner is respectfully requested to enter this Reply After Final in that it places the application in better form for Appeal.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi (#40,417) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: May 5, 2006

Respectfully submitted,

for By  (reg # 40,417)  
Terrell C. Birch  
Registration No.: 19,382  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road  
Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant